

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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XING AI JIN, GINA CHIN, and  
YINGCAI CHI, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

PARK AVENUE STEM CELL, INC.,  
OKURA HEALTH, LLC, YOKO SINGER,  
and JOEL SINGER,

Defendants.  
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**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ OCT 21 2019 ★

BROOKLYN OFFICE

**ORDER**

18-CV-1007 (WFK)(ST)

**WILLIAM F. KUNTZ, II, United States District Judge:**

On November 12, 2018, Plaintiffs in the above-captioned action filed a letter motion renewing their request for collective action certification under the Fair Labor Standards Act (“FLSA”). *See* ECF No. 23 (“Mot.”). Plaintiffs also sought accompanying relief including: (i) approving Plaintiffs’ Proposed Notice, ECF No. 23-2, and Proposed Consent Forms, ECF No. 23-3; (ii) directing Defendants to provide contact information for similarly situated employees, contact information for employment agencies they have used, and “telephone carrier information”; and (iii) directing Defendants to refrain from seeking releases of claims from putative collective members. On February 20, 2019, this Court referred this motion to the Honorable Magistrate Judge Steven L. Tiscione for a Report and Recommendation. *See* Mot. at 4. On October 16, 2019, Plaintiffs filed a letter motion for conditional class certification in accordance with the Report and Recommendation. *See* ECF No. 31.

On August 29, 2019, Judge Tiscione filed a Report and Recommendation recommending the Court grant in part and deny in part Plaintiffs’ motion and (i) conditionally certify a

collective action consisting of maids, kitchen workers, and cleaning workers who have been employed by any of Defendants; (ii) require Defendants to produce, within ten days of this Court's order, certain employee contact information; (iii) permit Plaintiffs to distribute their proposed notice and consent forms subject to modifications; and (iv) deny Plaintiffs' other requests for relief. *See* ECF No. 30 at 16.

With respect to class certification under the FLSA, Judge Tiscione found Plaintiffs met their burden of demonstrating the existence of other similarly situated maids, kitchen workers, and cleaning workers employed by Defendants, but did not meet this burden with respect to other workers employed by the defendants, such as janitors, receptionists, office clerks, nurses, and administrators. *Id.* at 5-6. Moreover, Judge Tiscione found "[a]t this early stage . . . the[] facts sufficiently suggest that each of the four Defendants acted as the employers of the named Plaintiffs and putative collective members." *Id.* at 9. As such, Judge Tiscione made several modifications to the proposed notice and consent forms, including directing Plaintiffs to limit the eligible occupations to maids, kitchen workers, and cleaning workers, to restrict the collective period to three years, and to make clear that plaintiffs who may opt in to the collective action retain the absolute right to choose their own attorney. *Id.* at 9-12. Finally, Judge Tiscione recommended the Court grant Plaintiffs' uncontroversial request for Defendants to produce the contact information of similarly situated employees. Defendants did not file any objections to the Report and Recommendation, which were due on September 12, 2019.

The Court reviews a Report and Recommendation for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). We find no such error here.

The Court therefore ADOPTS the Report and Recommendation of Judge Tiscione (ECF No. 30) in its entirety. Plaintiffs' motion (ECF No. 23) is GRANTED in part and DENIED in part, and Plaintiffs' letter motion (ECF No. 31) is GRANTED. The Court hereby (i) conditionally certifies a collective action consisting of maids, kitchen workers, and cleaning workers who have been employed by any of the Defendants; (ii) directs Defendants to produce, within ten days of this Court's order, the names, job titles, addresses, telephone numbers, and e-mail addresses of employees who worked in the above-referenced positions between February 16, 2015 and the present; (iii) authorizes Plaintiffs to distribute the proposed notice and consent forms subject to the modifications discussed in the Report and Recommendation; and (iv) denies Plaintiffs' other requests for relief.

**SO ORDERED.**

s/WFK

HON. WILLIAM F. KUNTZ, II  
United States District Judge

Dated: October 16, 2019  
Brooklyn, New York